IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 160 OF 2007

IN

WRIT PETITION NO. 2838 OF 2006

Keru Tatoba Shejul. .. Appellant.

vs.

Tukaram Biru Devkate

& Ors. .. Respondents.

Mr. Amit Sale for Appellant.

Mr. R.M. Patene, AGP.,for respondent no.2.

..

CORAM: J.N. PATEL &

A.A. SAYED, JJ.

DATE: 9TH AUGUST 2007.

P.C.

. Heard.

2. The appellant came to be disqualified as a member of Grampanchayat, Khalathi under Section 14(1)(j-1) of the Bombay Village Panchayat Act, 1958 for having fathered third child after 12.09.2001.

3. The matter was examined by the Collector on the complaint received which was found to be correct and that is how the order of disqualification came to be passed. In appeal, the Additional Commissioner, Pune Division, Pune, concurred with the findings of the Collector which was challenged before this Court. The learned Single Judge dismissed the petition in limine and refused to entertain any challenge in the matter.

4. It is submitted by the learned counsel for the appellant that the appellant may be given an opportunity to lead evidence in the matter and, therefore, the matter be remanded.

5. We find that the appellant had sufficient opportunity to lead evidence before the Collector on the issue as also before the Additional Commissioner. Therefore, no useful purpose would be served in remanding the matter. We do not find any merit in the Letters Patent Appeal. The same is dismissed. No order as to costs.

6. In view of the dismissal of the Letters Patent Appeal, the civil application does not survive. The same is dismissed as infructuous.

(J.N. Patel, J.)

(A.A. Sayed, J.)